

**Graff Silverstein LLP**  
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April 25, 2023

**Via ECF**

Magistrate Judge Ona T. Wang  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 20D  
New York, NY 10007

**MEMO ENDORSED.**

Re: *Lucero, et al. v. Medical Center Pharmacy, Inc., et al.*  
Case No. 22-CV-8917 (RA) (OTW)

Your Honor:

This Firm represent Defendants in the above-referenced matter. This letter brief is submitted in further support of Defendants' request of an adjournment of the in-person Initial Case Management Conference currently scheduled on May 2, 2023, and is made on consent of all parties, and their counsel. Good cause exists for this extension inasmuch as Defense Counsel has a client with a court-ordered deposition on May 2, 2023, which counsel must defend in accordance with his professional obligations. *See, Exhibit A.* Defense Counsel, regrettably, did not immediately inform the court of the conflict because Defense Counsel had been in Illinois on a federal jury trial pending in the United States District Court, Northern District of Illinois captioned *LQD Business Finance, LLC v. Rose, et al., 19-cv-4416*, which commenced on March 6, 2023, and closed on March 10, 2023. Because of the grueling nature of that trial, unfortunately, the undersigned did not immediately notice the notification from the Court on March 9, 2023. Recently, because of the the parties Rule 26(f) conference, and Plaintiff's counsel's advice of the requirement that conference occur in a certain time before the Initial Case Management Conference, the undersigned discovered the May 2, 2023 date, and thereafter, immediately wrote the court to seek this adjournment.

Plaintiff consents to this request. Defendants propose *any* date the week of May 22, 2023, with the exception of May 25, 2023 (*i.e.*, the undersigned's birthday) and May 26, 2023 (*i.e.*, the

date after when the undersigned will be away), or, alternatively, any date the week of May 29, 2023.

Should you have any questions, please communicate with the undersigned at any time. We thank the Court for its consideration of this issue.

Very truly yours,

David Graff, Esq.

cc: *All counsel of record*

Application **GRANTED**. The in-person Initial Case Management Conference previously scheduled for May 2, 2023 is hereby adjourned to **Tuesday, May 30, 2023 at 11:30 a.m.**

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read 'Ona T. Wang', with a large, stylized loop at the end.

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Ona T. Wang  
U.S.M.J.

4/26/23

Ex. A

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

PRESENT: HON. ANDREW BORROKPART 53*Justice*

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ROCHESTER DRUG COOPERATIVE, INC.,

INDEX NO. 652109/2020

Plaintiff,

- v -

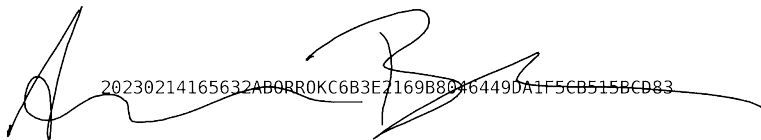
DRUG MART SOLUTIONS, LLC, YEVGENY J. ELYASH,  
JULIA FISHMAN, EUGENE BABENKO,

Defendant.

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## Deposition schedule:

- Julia Fishman – April 4, 2023,
- Eugene Babenko – April 25, 2023
- Yevgeny J. Elyash – May 2, 2023
- Alexander Maydan – May 11, 2023
  
- Fact discovery shall be completed by May 26, 2023
- Expert discovery to be completed by August 25, 2023
- NOI: September 8, 2023; dispositive motions within 30 days
- **SC: May 22, 2023 at 11:30 AM;** the parties shall provide an expert deposition schedule (names and dates)
- If any issues arise with the foregoing schedule, the parties shall promptly notify Part 53 (SFC-Part53@nycourts.gov).



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DATE: 2/14/2023

ANDREW BORROK, JSC

Check One:

☐

Case Disposed

☒

Non-Final Disposition

Check if Appropriate:

☐

Other (Specify \_\_\_\_\_)

**OTHER ORDER – NON-MOTION**